



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

**Mayor Rita M. Schmidt, Councilors Genevieve Cerf, Joe de la Cruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti and Harry A. Watson**

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**Tuesday, September 2, 2014**

**7:30 PM**

**Town Hall Annex - Community Room 1**

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#### REGULAR MEETING

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#### **I. ROLL CALL**

*The meeting was called to order at 7:30 p.m. by Mayor Schmidt.*

Members Present: Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Frink, Councilor Moravsik and Councilor Watson

Members Absent: Councilor Peruzzotti and Councilor Somers

*Also present were Town Manager Mark Oefinger, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.*

#### **II. SALUTE TO THE FLAG**

*The Salute to the Flag was led by Town Clerk Betsy Moukawsher.*

#### **III. RECOGNITION, AWARDS & MEMORIALS**

##### **PUBLIC HEARING:**

##### **2014-0211 Line Clearance Trimming and Removals, Sandy Hollow Road**

##### **Heard at Public Hearing**

*Mayor Schmidt called a recess for the Public Hearing at 7:32 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.*

*Susan Stotts, an arborist for CL&P, stated that CL&P would like to perform routine trimming along Sandy Hollow Road. Clearance around the power lines would be fifteen feet overhead, eight feet along the side, and ten feet below. She noted that smaller trees will be removed to prevent future problems, but no mature trees will be taken down.*

*Discussion ensued regarding different ways of tree trimming which included: one side trimmed entirely; removing all trees near power lines; trimming everything above the lines; an "apple bite" and removing smaller trees before they become a problem.*

*Councilor Watson raised a "Point of Order" stating that the Public Hearing is a forum for the public to voice its concerns, not for back and forth discussion.*

*Ridley Bancroft, 18 Beach Road, GLP, is concerned about new trees being removed.*

*In answer to Councilors, Ms. Stotts stated that CL&P works closely with Groton's Tree Warden and all work performed by contractors is reviewed. She noted that notifications were sent out to residents, but no responses were received. Ms. Stotts remarked that she tries to strike a balance between healthy trees and reducing the risk of power outages.*

*Councilor de la Cruz stated that tree trimming is done to prevent power outages during storms. He believes that CL&P should do whatever they need to do.*

*There being no further comments, Mayor Schmidt closed the Public Hearing at 7:47 p.m.*

**2014-0223**

**Rubino Driveway Apron, River Road**

**Heard at Public Hearing**

*Mayor Schmidt called a recess for the Public Hearing at 7:48 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.*

*Keith Neilson, Docko Incorporated, noted that the driveway apron will be installed on a parcel of land at the bend of River Road and the intersection of Bindless Road. Permits for a dock on the property have already been obtained. The apron will allow the property owner to park one or two vehicles off the street while boating. Ten feet of the area designated for the apron is on Town owned property, the rest is owned by the Rubinos. According to the Town Manager, the Town is requiring the installation of the driveway apron.*

*Joellen Anderson, 215 Plant Street, representing Avalonia Land Conservancy Inc., remarked that access to the dock could develop into an environmental concern. She stated that it is important to have runoff near the river and a pervious material would be preferred. Ms. Anderson noted that Avalonia Land Conservancy Inc. owns the property that abuts the Rubinos, and the last survey on town records is dated 1965.*

*Mr. Neilson stated that he would record the recent A2 survey on Town Land Records. He noted that he is willing to discuss the construction of the apron with Public Works to determine a suitable material.*

*The Town Manager stated that the apron is to protect the edge of the roadway. He will discuss treatment alternatives with Director of Public Works Gary Schneider.*

*Mr. Neilson noted that the permit for the dock from Army Corps of Engineers is valid for another three years and the permit from Department of Energy and Environmental Protection is valid for another four years.*

*There being no further comments, Mayor Schmidt closed the Public Hearing at 8:09 p.m.*

**IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*None.*

**V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*None.*

**VI. CONSENT CALENDAR**

**a. Approval of Minutes**

**2014-0242**

**Approval of Minutes (Town Council)**

**RESOLUTION ACCEPTING TOWN COUNCIL MINUTES**

RESOLVED, that the minutes of the Town Council meeting of August 19, 2014 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

**b. Administrative Items**

**2014-0241**

**Special Trust Fund Contributions**

**RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS**

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Frank and Margaret Adams - \$100.00 - Groton Utilities Energy Assistance Program  
Mark Bassler - \$25.00 - Groton Utilities Energy Assistance Program  
David and Veronica Cousens - \$25.00 - Groton Utilities Energy Assistance Program  
Joan and Kerry Csizmesia - \$30.00 - Groton Utilities Energy Assistance Program  
Amy D'Amico - \$5.00 - Groton Utilities Energy Assistance Program  
Kay Janney - \$35.00 - Groton Utilities Energy Assistance Program  
Lawrence and Beverly Lacerte - \$25.00 - Groton Utilities Energy Assistance Program  
Bonnie Laganga - \$30.00 - Groton Utilities Energy Assistance Program  
E. C. Lambert - \$100.00 - Groton Utilities Energy Assistance Program  
Anna Marie Landry - \$75.00 - Groton Utilities Energy Assistance Program  
Pamela Leins - \$10.00 - Groton Utilities Energy Assistance Program  
Bao Dao Nguyen - \$100.00 - Groton Utilities Energy Assistance Program  
Donald O'Neil - \$20.00 - Groton Utilities Energy Assistance Program  
James and Ann Sailors - \$25.00 - Groton Utilities Energy Assistance Program  
John and Marilyn Turkowski - \$25.00 - Groton Utilities Energy Assistance Program  
William White - \$10.00 - Groton Utilities Energy Assistance Program

**This Matter was Adopted on the Consent Calendar.**

**c. Deletions from the Town Council Referral List**

*In answer to Councilors, the Town Manager noted that each decision the Council makes has a unique number for tracking purposes. If Councilors choose to discuss the item further, a new referral number is assigned.*

**2013-0232 FYE 2015 Budget**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2013-0274 Cell Tower at Former Noank School Property**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2014-0046 Provision of Funding to the Economic Development Commission to Support Attendance at Local Business Association Meetings and Functions**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2014-0051 Mystic Streetscape Phase II**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2014-0156 Town-Wide Police Study**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2014-0173 Report on Town Attorney Caseload**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2014-0231 Merritt Property Athletic Fields Presentation**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2014-0021 Disposition of Fitch Middle School**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2014-0159 Resale of Town Owned Property Acquired through Tax Foreclosure**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2014-0216 Title VI Policy**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2014-0224 Exercising the Option to Extend Audit Contract for an Additional Two Years**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2014-0226 Process for Resale of Town Owned Property Revision**

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

**2014-0227 Deputy Town Clerk Job Description**

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

**2014-0232 Assistant Town Manager Salary Range**

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

**2014-0234 Acceptance of Crawford Lane in the Crawford Way Subdivision**

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

**2014-0237 Connecticut Office of Brownfield Remediation and Development Assessment Grant Program**

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

**Passed The Consent Calendar**

A motion was made by Councilor Flax, seconded by Councilor Moravsik, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously

**VII. COMMUNICATIONS & REPORTS (Other than Committee Reports)****a. Town Councilors**

*Councilors received communications regarding a proposed new member for the Economic Development Commission; vacation pay outs; paving the entry area to Poquonnock Plains; and Groton Sail.*

*Councilor Flax attended a Board of Education meeting.*

*Councilor Frink and Councilor Moravsik attended the Groton Business Association meeting.*

*Councilor Frink noted that Fall Festival will be held October 11, 2014.*

*Councilor Moravsik attended a Southeast Area Transit (SEAT) meeting. He also met with the Town Manager and Director of Public Works regarding the Joint Highway Task Force. Councilor Moravsik noted that Mystic Eats will be held September 5-7, 2014, in downtown Mystic.*

*Councilor Watson announced that the Board of Education/Town Council/RTM/City Council Liaison Committee meeting will be held September 3, 2014, at Pleasant Valley School.*

*Councilor Cerf spoke to a surgeon regarding injuries on artificial turf versus natural turf. She requested that the Council receive more data on this subject.*

*Mayor Schmidt attended the Thames Heritage Maritime Park meeting. She noted that a press conference; opening of a time capsule; reenactment; and a memorial service will all be held September 6, 2014, at Fort Griswold.*

**b. Clerk of the Representative Town Meeting**

*The next regular meeting of the RTM will be held September 10, 2014.*

**c. Clerk of the Council**

*The Town Clerk stated that applications for absentee ballots for the November election are currently being accepted. She stated that appropriate amounts of rainfall must occur before testing shellfish beds. At the moment, only one shellfish bed is open. The Town Clerk noted that a liaison to the Permanent School Building Committee needs to be appointed. She also noted that Town Clerk staff member Lori Watrous has accepted a job with the Assessor's Office.*

**d. Town Manager**

*The Town Manager stated that the farewell celebration for Director of Finance Sal Pandolfo will be held September 17, 2014, at the Groton Senior Center.*

## **VIII. COMMITTEE REPORTS**

### **a. Community Relations - Chairman de la Cruz**

*No meeting, no report.*

### **b. Finance - Chairman Frink**

*Councilor Frink noted that a meeting with State Representatives, Board of Education members, and the RTM will be held after the election, and a meeting with Tom Ryer, the Town actuary, is in the process of being set up.*

### **c. Personnel & Appointments - Chairman Flax**

*No meeting, no report.*

### **d. Rules - Chairman Frink**

*No meeting, no report.*

### **e. Committee of the Whole - Mayor Schmidt**

*The Committee of the Whole discussed the items on tonight's Agenda.*

## **IX. NEW BUSINESS**

### **2014-0021 Disposition of Fitch Middle School**

RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A MEMORANDUM OF AGREEMENT WITH THE BOARD OF EDUCATION FOR TRANSFER OF FITCH MIDDLE SCHOOL TO THE TOWN OF GROTON

WHEREAS, the Board of Education has developed an official final plan for the transfer of the former Fitch Middle School building to the Town of Groton on October 1, 2014, and

WHEREAS, the agreement establishes the time line and responsibilities for both parties including responsibility for mechanicals, removal and disposition of materials from the building, asbestos abatement in Wing D, and records disposition, and

WHEREAS, the Town Council feels it is in the Town's best interest to accept control of the building at this time in order to move forward with plans for reuse of the building, now therefore be it

RESOLVED, that the Town Council authorizes Town Manager Mark R. Oefinger to sign the Memorandum of Agreement between the Town of Groton and the Groton Board of Education for the transfer of the former Fitch Middle School building.

**A motion was made by Councilor de la Cruz, seconded by Councilor Moravsik, that this matter be Adopted.**

**The motion carried unanimously**

### **2014-0022 Process for Resale of Town Owned Property Revision**

RESOLUTION APPROVING REVISIONS TO THE PROCESS FOR RESALE OF TOWN OWNED PROPERTY

WHEREAS, in December 1994 the Town Council approved a process for the resale of Town-owned property acquired through a tax sale and/or foreclosure, and

WHEREAS, the process was revised and approved on November 19, 2013 to comply with the Town Attorney's findings relative to applicable State Statutes, Town Charter provisions, and ordinances, and

WHEREAS, the Town Attorney has recommended revisions to clarify the process, now therefore be it

RESOLVED, that the Town Council approves revisions to Sections C and D of the Process for Resale of Town Owned Property as presented to the Committee of the Whole on August 26, 2014.

**A motion was made by Councilor Frink, seconded by Councilor Flax, that this matter be Adopted.**

**The motion carried unanimously**

**2014-0159**

**Resale of Town Owned Property Acquired through Tax Foreclosure**

**RESOLUTION MAKING A DETERMINATION REGARDING TOWN PROPERTIES  
ACQUIRED THROUGH TAX SALE OR FORECLOSURE**

WHEREAS, the November 2013 Process for Resale of Town Owned Property (as amended) requires the Town Council to review properties acquired through tax sale or foreclosure and to make a determination of whether the properties are to be used or reserved for town purposes or sold, and

WHEREAS, the Town Council has reviewed six parcels acquired through tax sale/foreclosure of which none are used or reserved for Town purposes and referred them to the Planning Commission under CGS Section 8-24, and

WHEREAS, the Planning Commission has recommended action consistent with staff's recommendation for the parcels, now therefore be it

RESOLVED, that the Town Council makes the following determinations on the six properties acquired through tax sale/foreclosure:

PIN 261917116969E Conrad Street - Designate as Town open space

PIN 270017017868E 1500 Gold Star Highway - Sell

PIN 169806380107E Laurelwood Road/Poquonnock Road - Sell

PIN 169806381089E Laurelwood Road - Sell or retain as excess right-of-way

PIN 168912973189E Toll Gate Road - Designate as open space

PIN 169812864158 84 Central Avenue - Sell

**A motion was made by Councilor Moravsik, seconded by Councilor Frink, that this matter be Adopted.**

**The motion carried unanimously**

**2014-0216**

**Title VI Policy**

**RESOLUTION APPROVING A TITLE VI POLICY FOR THE TOWN OF GROTON**

WHEREAS, the Groton Senior Center received a federal 5310 grant for \$40,000 toward the purchase of a replacement van in 2009, and

WHEREAS, one of the requirements of the grant is that the Town of Groton have a policy in place to ensure that individuals are not subjected to discrimination under any program or activity in compliance with Title VI of the Civil Rights Act of 1964, and

WHEREAS, the Town Council has reviewed a draft Title VI Policy prepared by staff and dated July 25, 2014, now therefore be it

RESOLVED, that Town Council approves and adopts the Town of Groton Title VI Policy dated July 25, 2014.

**A motion was made by Councilor Watson, seconded by Councilor Moravsik, that this matter be Adopted.**

**The motion carried unanimously**

**2014-0224**

**Exercising the Option to Extend Audit Contract for an Additional Two Years**

RESOLUTION AUTHORIZING A CONTRACT EXTENSION FOR PROFESSIONAL  
AUDITING SERVICES

WHEREAS, Connecticut state statutes and the Town of Groton Charter require the Town Council to appoint a Town auditor or auditors, and

WHEREAS, in 2012 the Town of Groton appointed the firm of Blum Shapiro for a term of three years (FYE 2012, FYE 2013, and FYE 2014) with an option for a two year extension, and

WHEREAS, the firm of Blum Shapiro has shown a high level of experience in municipal auditing and has served well as Town Auditor for the last nine years, having been hired originally in 2005, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger may execute a two year extension of the current contract for audit services with Blum Shapiro.

**A motion was made by Councilor Flax, seconded by Councilor Frink, that this matter be Adopted.**

**The motion carried unanimously**

**2014-0227**

**Deputy Town Clerk Job Description**

RESOLUTION APPROVING REVISED DEPUTY TOWN CLERK JOB DESCRIPTION

WHEREAS, Town Clerk Betsy Moukawsher has determined that she does not want to fill the vacancy created by the retirement of the Supervisor in the Town Clerk's Office, and

WHEREAS, the Town Clerk has proposed replacing the position with a Deputy Town Clerk, and

WHEREAS, the Deputy Town Clerk job description has been revised to align with the needs of the Town Clerk's office, now therefore be it

RESOLVED, that the Town Council approves the job description for Deputy Town Clerk as attached.

**A motion was made by Councilor Cerf, seconded by Councilor Flax, that this matter be Adopted.**

*The most current job description is attached.*

**The motion carried unanimously**

**2014-0232**

**Assistant Town Manager Salary Range**

RESOLUTION SETTING THE SALARY RANGE FOR THE ASSISTANT TOWN MANAGER  
POSITION

WHEREAS, the Town Council has reviewed the job description for Assistant Town Manager and considered the appropriate salary range for the position, now therefore be it

RESOLVED, that the salary range for the Assistant Town Manager position shall be \$87,790 to \$115,365.

**A motion was made by Councilor de la Cruz, seconded by Councilor Flax, that this matter be Adopted.**

*The Town Manager stated that he is not looking for someone just out of grad school, but a seasoned professional who could perform the duties of the Town Manager in his absence.*

**The motion carried unanimously**

**2014-0234**

**Acceptance of Crawford Lane in the Crawford Way Subdivision**

**RESOLUTION ACCEPTING CRAWFORD LANE IN THE CRAWFORD WAY SUBDIVISION**

WHEREAS, the Crawford Way Subdivision was approved by the Planning Commission on May 25, 2004, and

WHEREAS, on August 12, 2014 the Planning Commission recommended acceptance of Crawford Lane, a 450 linear foot road serving six lots, now therefore be it

RESOLVED, that the Town Council hereby accepts Crawford Lane in the Crawford Way Subdivision.

**A motion was made by Councilor Frink, seconded by Councilor Moravsik, that this matter be Adopted.**

**The motion carried unanimously**

**2014-0237****Connecticut Office of Brownfield Remediation and Development Assessment Grant Program****RESOLUTION APPROVING SUBMISSION OF AN APPLICATION TO THE CONNECTICUT OFFICE OF BROWNFIELD REMEDIATION AND DEVELOPMENT ASSESSMENT GRANT PROGRAM**

WHEREAS, the Connecticut Office of Brownfield Remediation and Development (OBRD) offers grants to return brownfield sites to productive re-use, and

WHEREAS, there are two Town-owned sites located at 1028 Poquonnock Road and 244 Monument Street (former Groton Heights School) that are eligible for the grant program, now therefore be it

RESOLVED, that the Town Council endorses submittal of the application for \$200,000 in funding from the Connecticut Office of Brownfield Remediation and Development Assessment Grant Program.

**A motion was made by Councilor Moravsik, seconded by Councilor de la Cruz, that this matter be Adopted.**

**The motion carried unanimously**

**Suspension of the Rules**

*A motion pursuant to Town Council Rules Section 14(b) and Connecticut General Statutes Section 1-225(c) to suspend Town Council Rules Section 8(c) to add the following New Business item to the agenda of this regular Town Council meeting: 'Authorization to Execute Documents to Pertaining to United States District Court Case #14CV00444 WWE' was made by Councilor Watson, seconded by Councilor Moravsik and so voted unanimously.*

**2014-0250****Authorization to Execute Documents Pertaining to United States District Court Case #14CV00444 WWE****RESOLUTION AUTHORIZING TOWN MANAGER TO EXECUTE DOCUMENTS PERTAINING TO UNITED STATES DISTRICT COURT CASE #14CV00444 WWE**

WHEREAS, the Town is a party to litigation bearing United States District Court Case #14CV00444 WWE, and

WHEREAS, Town representatives participated in a mediation on August 22, 2014, regarding United States District Court Case #14CV00444 WWE, as well as related grievance arbitrations, and reached a tentative agreement to resolve all aspects of the matters, and

WHEREAS, the Town Attorney recommends that the Town approve the mediated tentative agreement, and

WHEREAS, the Town Council determines that it is in the best interest of the Town to approve the terms of the mediated tentative agreement, now therefore be it



RESOLVED, that the Town Council authorizes Town Manager Mark R. Oefinger to execute documents to be prepared by the Town Attorney and consistent with the terms of a mediated tentative agreement pertaining to United States District Court Case #14CV00444 WWE and related grievance arbitrations.

**A motion was made by Councilor Flax, seconded by Councilor Frink, that this matter be Adopted.**

**The motion carried unanimously**

**X. OTHER BUSINESS**

**2014-0248 Miscellaneous and Ad Hoc Committee Appointments**

**RESOLUTION MAKING APPOINTMENTS TO MISCELLANEOUS AND AD HOC COMMITTEES**

RESOLVED, that the following individual is appointed as noted:  
Permanent School Building Committee Liaison - Councilor Bob Frink

**This matter was Adopted.**

*Mayor Schmidt appointed Councilor Frink as a liaison to the Permanent School Building Committee.*

**Other Business Continued**

*Per Councilors request, the Town Manager will provide vacation and sick time policies for union and non-union personnel. He will also provide actual costs for higher level positions to include salary; pay outs; car allowances; overtime; life insurance; etc., to get a more accurate value for those positions.*

*The Town Manager stated that a new Police Chief should be in place by the end of the year or early next year; work will start soon on the Crystal Lake Road remediation; demolition of Noank School will occur this fall; he met with the garden group; background checks are being conducted for the Director of Planning and Development position; and a meeting with Tom Hennick regarding FOI will be held September 23, 2014.*

**XI. ADJOURNMENT**

*A motion to adjourn at 9:01 p.m. was made by Councilor Watson, seconded by Councilor de la Cruz and so voted unanimously.*

*Attest:*

*Betsy Moukawsher, Town Clerk  
Clerk of the Council*

*Lori Watrous, Office Assistant*